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February 28, 2024

VIA ECF

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Joint request for Adjournment of March 7 Settlement Conference.
Aranias v. SMG Automotive Holdings LLC, et al., Case 1:22-cv-04510-BMC

Dear Judge Kuo:

The undersigned represents Plaintiff Eliyahu Aranas. I write jointly on behalf of All Parties¹ to request an adjournment of the settlement conference currently scheduled for March 7, 2024. The reason for the request is that Defendant Zachary Schwebel indicates he is unable to attend the March 7 Settlement Conference due to being out of town for a very important meeting.

All Parties agree to the requested adjournment with the following conditions for the Settlement Conference:

1. The term “Full Settlement Authority” means a person authority to settle for the last demand of Plaintiff without the need to contact or receive authority from anyone else. The person will be the one who provides the authority to settle for up to the dollar amount of the last demand, not the person who merely receives the authority from someone else.
2. The insurance adjuster for SMG and the corporate representatives for corporate defendants SMG shall attend, the Settlement Conference with “Full Settlement Authority”; and all will attend in person except that, with consent of the Parties, Santander seeks leave to appear via zoom or telephone.
3. All Parties and the insurance adjuster for SMG will attend, in person, for the full length of the Settlement Conference, except that defendants Melissa Swigger and Blanca Garcia may appear solely through their counsel Michael N. Gould, Esq., who will have full authority to settle on their behalf.
4. Prior to filing this application counsel for the Plaintiff and the Dealership. have

¹ Defendants are SMG Automotive Holdings LLC d/b/a/ Brooklyn Chrysler Jeep Dodge Ram (“SMG”), a car dealership, the owner and manager of SMG, Zachary Schwebel (collectively “Dealership”), a putative auto finance company, Santander Consumer USA d/b/a/ Chrysler Capital (“Santander”), and employees of SMG involved in the putative sale and financing at issue in this case, Tafawa Lee, Bryant Quintana, Jimmy Calle, Temple Hyman, Melissa Swigger, Blanca Garcia, and Richard Cappetta (the “Employee Defendants”). The term Employee Defendants **excludes** Defendant Tiffany Lev, a former employee of SMG, who has not appeared in this case. The term “Defendants” means collectively the Dealership, Santander, and the Employees Defendants. The term **All Parties** means Plaintiff and Defendants.

Employee Defendants are currently represented by LaBonte Law Group, PLLC. However the firm is currently in the process of obtaining consent of those clients to substitute out of the case and be replaced by Lewis Brisbois Bisgaard & Smith LLP, the firm currently representing the Dealership.

conferred with their clients and the adjuster and have confirmed they are all available and will attend in person a Settlement Conference on the following dates March 11, 15, 18, and 19, 2024. Counsel for Employee Defendants are still awaiting a response from their clients to confirm the dates. The Parties respectfully request a setting at the Court's earliest convenience.

5. The Parties request fact discovery be extended for an additional week after the date chosen for the Settlement Conference.³

For that reason the parties seek that the deadline for fact discovery be extended to one week following the settlement conference.


The parties recognize that the current deadline for the settlement statement is February 28, 2024, and the parties can meet that date or submit statements at the Court's discretion at any time thereafter.

Respectfully submitted,

/s/ Emma Caterine, esq.

Emma Caterine
Attorney for Plaintiff Eliyahu Aranias

AGREED:



Michael Gould, Esq.
LaBonte Law Group, PLLC
Attorneys for Employee Defendants and Santander

AGREED:

/s/ James M. Strauss, Esq.

James M. Strauss, Esq.
Lewis Brisbois Bisgaard & Smith LLP
Attorneys for Defendants SMG Automotive Holdings LLC d/b/a/ Brooklyn Chrysler Jeep Dodge Ram ("SMG"), Zachary Schwebel,

³ The Parties had requested in DE 88 that the deadline for discovery be extended until February 29, a week from the then set Settlement Conference. As explained in DE 88, for purposes of efficiency Plaintiff has been holding off on filing a joint letter to compel discovery given the upcoming Settlement Conference. The items Plaintiff seeks to compel are important for moving his case forward should the case not settle. Similarly, counsel for the Dealership wishes to depose Mrs. Aranias but also wishes to defer that deposition until after the settlement conference as well.